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PATENT

2721#2
268-301

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/629,653

Filed: August 1, 2000

Inventors:

Nicolas Vazquez and Jeffrey C. Hood
Schultz

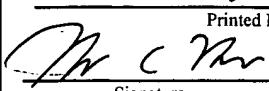
Title: System and Method for
Evaluating the Performance
of an Image Processing
Algorithm

§ Examiner: Unknown
§ Group/Art Unit: 2721
§ Atty. Dkt. No: 5150-45000

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, Washington, DC 20231, on the date indicated below.

Jeffrey C. Hood

Printed Name

 2/5/2001

Signature

Date

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Washington, D.C. 20231

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Sir:

Applicant requests consideration of the references listed on the attached Form PTO-1449 and/or the additional information identified below in paragraph 3. A copy of each reference listed on the Form PTO-1449 is enclosed.

1. This Information Disclosure Statement is submitted:

- a. within 3 months of the filing date of the above identified application, or within 3 months of entry into National stage prosecution of an International application, or before the mailing date of the first Office Action on the merits, and thus no certification and/or fee is required.
- b. after the events of above paragraph 1a and prior to the mailing date of a final Office Action or Notice of Allowance, and thus:

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- the certification of paragraph 2 below is provided, or
 a fee of \$180.00 is enclosed.
- c. after the mailing date of a final Office Action or a Notice of Allowance and prior to payment of the issue fee, and thus:
- the certification of paragraph 2 below is provided, and
 a fee of \$180.00 is enclosed.
2. It is hereby certified:
- that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Statement, or
- that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in § 1.56 (c) more than three months prior to the filing of the Statement.
3. Consideration of the following additional information (including any co-pending or abandoned U.S. applications, prior uses and/or sales, etc.) is requested:
4. For each non-English language reference listed on the attached Form PTO-1449:
- reference is made to an English language translation submitted herewith, and/or
- reference is made to a foreign patent office search report (in the English language) submitted herewith, and/or
- reference is made to an English language translation of a foreign patent office search report submitted herewith, and/or
- reference is made to the concise explanation contained in the specification of the present application at page(s) _____, and/or
- reference is made to the concise explanation set forth below:
5. Applicant also offers the following comments for the Examiner's consideration:

Patent No. 6,094,526 to Marrion was technically withdrawn prior to issue. However, due to the very late filing of a petition to withdraw, the text of this patent was available on the U.S. PTO web site for a lengthy time and the text of

this patent is still available on the IBM patent web site at www.delphion.com. Thus, Applicant believes this "patent" may qualify as prior art.

6. Also enclosed is a copy of a foreign search report citing these references.
7. The listed documents were brought to the attention of the Applicant(s) after payment of the issue fee in the captioned case. The documents were cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. Applicant(s) request this Information Disclosure Statement and attached Form PTO-1449 be placed in the file of the captioned application.
8. Applicant(s) request that the Information Disclosure Statement and attached Form PTO-1449 and references, which are being filed before the grant of the patent and pursuant to 37 C.F.R. § 1.97(i), be placed in the file of the captioned application.

If any required fees are missing, the Commissioner is authorized to charge said fees to Conley, Rose & Tayon, P.C. Deposit Account No. 501505/5150-45000/JCH.

Respectfully submitted,



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Date: 2/5/2001